FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8066 OF 2003

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. A.Y. Sakhare i/by Shri.S.M. Kazi for the Petitioner.

Mr. Prashant Naik with Y.R. Naik for the respondent No.1.

Mr. D.A. Patil, AGP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 22.11.2005.

P.C.

1. This petition challenges an award dated 9.7.2002 passed by the Judge of Co-operative Court at Bombay awarding amount exceeding Rs.10/-lacs to the respondent bank. Though the full bench of this court has held that the Court/Tribunal under Maharashtra Co.op. Societies Act would have no jurisdiction to make an award if the amount exceeds Rs.10/- lacs, the Supreme Court by its order dated 16.1.2004 granted an ad interim stay to

the operation of the impugned judgment. The learned counsel appearing on behalf of the petitioner stated that only operative order has been stayed and that there is no interpretion of the full bench judgment. In my view, since, the operation of the order has been stayed. The proceedings before the Co.operative Court cannot be said to be without jurisdiction. There is also an alternate remedy of appeal under the Maharashtra Co.op. Societies Act. In my view, this petition therefore, cannot be entertained and accordingly, the same is dismissed summarily.

(R. S. MOHITE, J.)